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16 Attorneys for Defendant and Third-Party Defendant
 17 Continental Casualty Co., and Defendants and
 18 Third-Party Defendants National Fire
 19 Insurance Co. of Hartford, American Casualty
 20 Co. of Reading, PA, Transcontinental Ins. Co.,
 21 Valley Forge Ins. Co., Columbia Casualty Co.,
 22 and Transportation Ins. Co.

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E-filing

FILED

JAN 12 2006

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

19 IRVING KESLER, an individual.
 20 Plaintiff.

CASE NO. 05-cv-00391-MJJ

21 v.
 22 CONTINENTAL CASUALTY
 23 COMPANY, an Illinois Insurance
 24 Company; UNION PACIFIC RAILROAD
 25 COMPANY, a Delaware Corporation, and
 26 DOES 1-100, Inclusive.

STIPULATION EXTENDING FIREMAN'S
 FUND'S TIME TO RESPOND TO
 AMENDED THIRD-PARTY COMPLAINT
 OF CONTINENTAL CASUALTY
 COMPANY, ET AL.

27 Defendants.

28 CONTINENTAL CASUALTY
 COMPANY, an Illinois Insurance
 Company, NATIONAL FIRE
 INSURANCE COMPANY OF

HARTFORD, AMERICAN CASUALTY
COMPANY OF READING, PA.
TRANSCONTINENTAL INSURANCE
COMPANY, VALLEY Forge
INSURANCE COMPANY, COLUMBIA
CASUALTY COMPANY, and
TRANSPORTATION INSURANCE
COMPANY,

Third-Party Plaintiffs,

FIREMAN'S FUND INSURANCE
COMPANY, a California Corporation;
WEST COAST WELDERS SUPPLY CO.,
INC., a dissolved California Corporation,
WEST COAST SCRAP PRODUCERS,
INC., a dissolved California Corporation,
RICHARD L. BRADLEY, as an
individual and as Trustee of the RICHARD
L. BRADLEY TRUST, WEST COAST
METALS, INC., a California Corporation,
PACIFIC JUNK, INC., a business entity,
JACK L. GARDNER, an individual,
WILLIAM WHITMAN, an individual, the
legal representative of the ESTATE OF
DONALD S. KESLER, and ROBERT
through So

Third-Party Defendants

This Stipulation is made and entered into by Fireman's Fund Insurance Company
("Fireman's Fund") and defendants/cross-complainants Continental Casualty Company, National
Fire Insurance Company of Hartford, American Casualty Company of Reading, PA.
Transcontinental Insurance Company, Valley Forge Insurance Company, Columbia Casualty
Company, and Transportation Insurance Company ("Continental"), with reference to the
following:

WHEREAS, Plaintiff filed its Complaint on December 27, 2004, in the California
Superior Court for the County of Sonoma (Case No. SCV 236018),

WHEREAS, this action was removed to this Court on January 26, 2005, pursuant to the

1 Notice of Removal filed by Continental on that date.

2 WHEREAS, Continental served Fireman's Fund its Amended Third-Party Complaint on
3 December 19, 2005,

4 WHEREAS, Fireman's Fund and Continental have stipulated that Fireman's Fund's
5 response to the Amended Third-Party Complaint is due on or before February 9, 2006;

6 WHEREAS, Civil Local Rule 6-1 of the Northern District of California allows the parties
7 to "stipulate in writing, without a Court order, to extend the time within which to answer or
8 otherwise respond to the complaint, provided the change will not alter the date of any event
9 or any deadline already fixed by Court order," and

10 WHEREAS, allowing Fireman's Fund additional time to respond to the Amended Third-
11 Party Complaint will not alter the date of any event or deadline already fixed by Court order

12 NOW, THEREFORE, IT IS HEREBY STIPULATED that Fireman's Fund shall have
13 until February 9, 2006, to answer or otherwise respond to Continental's Third-Party Complaint

14 DATED January 11, 2006

CARON, CONSTANTS & WILSON

15 By 

16 Jeffrey A. Tuxell
17 Attorneys for Third-Party Defendant
18 FIREMAN'S FUND INSURANCE
19 COMPANY

20 DATED January 11, 2006

CARROLL, BURDICK & McDONOUGH LLP

21 By

22 G. David Godwin
23 Attorneys for Third-Party Plaintiff
24 CONTINENTAL CASUALTY COMPANY
25 NATIONAL FIRE INSURANCE
26 COMPANY OF HARTFORD
27 AMERICAN CASUALTY COMPANY OF
28 READING, PA, TRANSCONTINENTAL
INSURANCE COMPANY, VALLEY
FORGE INSURANCE COMPANY,
COLUMBIA CASUALTY COMPANY,
and TRANSPORTATION INSURANCE
COMPANY

- 3 -

CARON, CONSTANTS & WILSON
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Telephone: (510) 754-7500

Notice of Removal filed by Continental on that date;

WHEREAS, Continental served Fireman's Fund its Amended Third-Party Complaint on December 19, 2005;

WHEREAS, Fireman's Fund and Continental have stipulated that Fireman's Fund's response to the Amended Third-Party Complaint is due on or before February 9, 2006;

WHEREAS, Civil Local Rule 6-1 of the Northern District of California allows the parties to stipulate in writing, without a Court order, to extend the time within which to answer or otherwise respond to the complaint, "provided the change will not alter the date of any event or any deadline already fixed by Court order;" and

WHEREAS, allowing Fireman's Fund additional time to respond to the Amended Third-Party Complaint will not alter the date of any event or deadline already fixed by Court order.

NOW THEREFORE IT IS HEREBY STIPULATED that Fireman's Fund shall have until February 9, 2006, to answer or otherwise respond to Continental's Third-Party Complaint.

DATED January __, 2006

CARON, CONSTANTIS & WILSON

By:

Jeffrey A. Tudeh
Attorneys for Third-Party Defendant
FIREMAN'S FUND INSURANCE
COMPANY


DATED January __, 2006

CARROLL BURDICK & McDONOUGH LLP

By:

G. David Godwin
Attorneys for Third-Party Plaintiff
CONTINENTAL CASUALTY COMPANY
NATIONAL FIRE INSURANCE
COMPANY OF HARTFORD
AMERICAN CASUALTY COMPANY OF
READING, PA. TRANSCONTINENTAL
INSURANCE COMPANY, VALLEY
FORGE INSURANCE COMPANY,
COLUMBIA CASUALTY COMPANY,
and TRANSPORTATION INSURANCE
COMPANY

IT IS SO ORDERED


MARTIN J. JENKINS
UNITED STATES DISTRICT JUDGE

1/12/2006
DATE

PROOF OF SERVICE

I am employed in the City of Glendale, County of Los Angeles. I am over the age of eighteen years and not a party to the within action; my business address is 500 North Brand Boulevard, Suite 400, Glendale, California 91203.

On January 9, 2006, I served the foregoing document described as:

**STIPULATION EXTENDING FIREMAN'S FUND'S TIME TO RESPOND TO AMENDED
THIRD-PARTY COMPLAINT OF CONTINENTAL CASUALTY COMPANY, ET AL.**

on the counsel for the interested party(ies) in said action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By United States Mail I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses above and:

deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at 500 North Brand Boulevard, Suite 400, Glendale, California 91203.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

DATED January 9, 2006, at Glendale, California

Vickie C. Heredia
Vickie C. Heredia

STIPULATION TO EXTEND TIME TO RESPOND

Service List*Continental Casualty Co. v. Fireman's Fund, et al.*

United States District Court-Northern California, Case No. 05-cv-00391 MJJ

Attorneys	Phone	Representing
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G. David Godwin, Esq. Robert Binion, Esq. Carroll, Burdick & McDonough LLP 44 Montgomery Street, Suite 400 San Francisco, CA 94104	Tel. (415) 989-5900 Fax (415) 989-0932	Defendants and Third-Party Defendants Continental Casualty Co., National Fire Insurance Co. of Hartford, American Casualty Co. of Reading PA, Transcontinental Ins. Co., Valley Forge Ins. Co., Columbia Casualty Co., Transportation Ins. Co.
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Cameron Kirk, Jr., Esq. Beyers Costin, P.C. 200 Fourth Street, Suite 400 P.O. Box 878 Santa Rosa, CA 95402-0878	Tel. (707) 547-2000 Fax (707) 526-2746	Third-Party Defendants Jack L. Gardner, West Coast Metals, Inc. William Whitman
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